



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 16, 2005

Mr. Marcel Mileo
Dawood Associates, Inc.
2040 Good Hope Road
P.O. Box 246
Enola, PA 17025

RE: PLUS review – PLUS 2005-02-13; Cedar Chase Drive Hotels

Dear Mr. Mileo:

Thank you for meeting with State agency planners on March 2, 2005 to discuss the proposed plans for the Cedar Chase Drive Hotels to be located west of US 13, adjacent to the Cedar Chase Apartments. According to the information received, you are seeking site plan approval for 2 hotels, totaling 108,500 square feet on 5.86 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- This site is located in Investment Level 1 according to the State Strategies for Policies and Spending, and as such the State supports development and redevelopment in this area.

Street Design and Transportation

- The site access, or more properly the future street discussed in comment 3) below, should be aligned opposite the easternmost driveway of Cedar Chase Apartments on Cedar Chase Drive.
- DelDOT recommends that the City require sufficient sidewalks to allow hotel patrons to walk to the Wendy's and Bob Evans restaurants and the Cedar Chase apartments, including along the entire site frontage on Cedar Chase Drive.
- DelDOT recommend that the developer provide for pedestrian access to the Delaware Transit Stop located at McDonalds from the proposed hotels.

Natural and Cultural Resources

- The developer should minimize impacts to the forested area and wetland. The developer should note that it will be difficult to obtain permits for extensive wetland filling for this construction.
- The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses (including ditches).
- According to the application, 75% of the forest on this parcel is to be removed. The site plan should be designed in a way that allows for preservation of as much of this wooded area as feasible, especially older larger trees. It is recommended that the parking area on the western edge of the site plan be omitted as this area contains forest adjacent to wetlands and provides some connectivity to adjoining forested land.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. This site is also located in the City of Dover. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office supports development projects in Investment Level 1 as essential to the Livable Delaware strategy of concentrating growth in and around existing communities and infrastructure. This will

help us to meet our goals of revitalizing our already urbanized areas while protecting agricultural lands and natural resource areas from encroachment by sprawling suburban and rural development.

Based on the discussion at the PLUS meeting it is apparent that there are numerous environmental issues on the parcel, notably woodlands and possibly wetlands / hydric soils. Our office is encouraged that the developers indicated willingness to consider innovative stormwater management techniques and off –site mitigation for tree clearing activities. It is hoped that the applicants and the City can develop a plan that meets both the needs of the developer and protects and enhances the sensitive natural features on the site and in the surrounding area.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

The parcel appears to include a prehistoric-period archaeological site (K-6999). There is some potential for a historic-period site or sites in the general area as well, although it is difficult to match up the historic maps with the current landscape here.

The SHPO would be happy to meet with the owners/developers to try and delineate any archaeological resources that may be here, in hopes that any found can be preserved as open space. Because the parcel is completely forested, it will be difficult to determine any site location, but it needs to be done before the tree-clearing takes place.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) In reviewing the rezoning of this parcel in February 2004, DelDOT commented to the City that they would require the developer to analyze the intersection of Route 13 and Cedar Chase Drive and to maintain the existing level of service there. Having considered the matter further, DelDOT acknowledges that, depending how close the level of service is to changing now, that requirement may be too stringent. However, they will require an analysis of the intersection and they will require road improvements as necessary to maintain substantially the same operating conditions as presently exist at this location.
- 2) The site access, or more properly the future street discussed in comment 3) below, should be aligned opposite the easternmost driveway of Cedar Chase Apartments on Cedar Chase Drive.
- 3) The supplemental information included with the PLUS form mentions a future street connection to the existing Holiday Inn and McDonald's restaurant north of the site and that the street would initially be built only to the proposed site entrance. DelDOT supports the creation of this street because it would reduce the number of U-turns generated on Route 13 by those businesses. It is recommended

- that the street be built to the north property line now, to increase the probability that the owners of that property will complete the connection to their property.
- 4) In the supplemental information, the trip generation for the proposed businesses is estimated using an assumption of 3 trips per room per day and a formula that amounts to 7.5 trips per restaurant seat per day. To the extent that it addresses the proposed land uses, DelDOT recommends that trip generation be estimated using the current edition of the Institute of Transportation Engineer's (ITE) publication Trip Generation. Treating the two buildings as a single Motel and assuming full occupancy yields an estimate of 1,503 trips per day. DelDOT used Motel rather than Hotel because ITE's definition of a Hotel assumes a significant amount of meeting and conference space. Either way, the estimated 1,013 seems low. ITE's definition of a Motel can include a restaurant, but if the proposed restaurants are to be oriented toward the general public rather than toward hotel guests, then our estimate of 1,503 is probably low as well.
 - 5) The response to question 40 on the PLUS form is that only internal sidewalks would be provided. Care will be necessary in the site design to make sure that sidewalks will be located where people will use them, but DelDOT recommends that the City require sufficient sidewalks to allow hotel patrons to walk to the Wendy's and Bob Evans restaurants and the Cedar Chase apartments, including along the entire site frontage on Cedar Chase Drive.
 - 6) The Delaware Transit Corporation (DTC) provides bus service to this site through Bus Route 112, which provides weekday, daytime service between downtown Dover and the Terry Campus of Delaware Technical and Community College. The closest stop is presently the McDonald's restaurant mentioned in Comment 3 above. DelDOT recommend that the developer provide for pedestrian access to this service from the proposed hotels. The developer or the City may contact DTC's Service Development Planner for Kent County, Mr. Wayne Henderson, to discuss how that access might best be provided. Mr. Henderson may be reached at (302) 577-3278 ext. 3553.
 - 7) The developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding their requirements for access. Mr. Herb may be reached at (302) 266-9080.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

General Comment

This project should not be approved without significant changes. The developer should minimize impacts to the forested area and wetland. The developer should note that it will be difficult to obtain permits for extensive wetland filling for this construction.

Soils

According to the Kent County soil survey, Sassafras and Fallsington were mapped in the immediate vicinity of the proposed parcel. Sassafras is a well-drained upland soil that has few limitations for development. Fallsington is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of approximately 2.4-acres palustrine wetland in the parcel.

A wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Site plans show that there will be impacts to palustrine wetlands. Impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. If wetlands are verified, it will be difficult to obtain permits for extensive wetland filling for this construction.

The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses (including ditches). In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation. Efforts to maximize or expand the existing natural buffer width via planting of native woody or herbaceous vegetation beyond the recommended 100-foot buffer width, is also strongly recommended.

If any work is proposed in a stream it may require a Subaqueous Lands Permit from the State of Delaware. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development. **The applicant should keep in mind that their project may be subject to future regulatory nutrient load reductions under TMDLs, which may significantly impact the project’s current scale and design.**

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Sediment and Erosion Control/Stormwater Management

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

2. The following notes must appear on the record plan:

- The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. Ease of maintenance must be considered as a site design component. Access to the proposed stormwater facilities must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter. Maintenance set aside areas for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by the City of Dover.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. The Soil Survey of Kent County indicated a large portion of the site to be mapped as Fallsington Loam (Fs) Soils. Fallsington Loam is poorly drained moderately permeable, gray surface soil on uplands. Drainage systems to control the water table work well. However, severe limitations exist for septic tank disposal fields, basements, lawns, and most community development and recreational uses. The PLUS application indicates that underground detention will be used. It is recommended that a soils investigation be preformed as soon as possible to determine if underground detention is possible. It is unclear from the information provided where the underground detention system would outfall to.
2. It appears that an excessive amount of tree clearing is proposed. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site including the stormwater management facilities.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.

4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
6. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section is not aware of existing drainage concerns associated with this project.

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Forests

According to the application, 75% of the forest on this parcel is to be removed. The site plan should be designed in a way that allows for preservation of as much of this wooded area as feasible, especially older larger trees. The applicant indicated that to preserve more of the forest, the site plan could be altered by possibly removing some of the parking areas. It is recommended that the parking area on the western edge of the site plan be omitted as this area contains forest adjacent to wetlands and provides some connectivity to adjoining forested land. Connected areas of forest are more beneficial to wildlife than narrow buffer strips or small disconnected areas of forest. Forest fragmentation separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Site Investigation and Restoration

The proposed project is within a 1/2 mile of the following SIRB sites: DE-0243 (Blue Hen Auto Body), DE-0254 (Chemdecon Trailer), and DE-0154 (Frazier's Pit). DE-0243 and DE-0254 are both listed as No Further Action; and therefore, SIRB does not foresee any issues relating to these sites to affect the proposed project. The site De-0154, Frazier's Pit, is a 25-acre inactive landfill that is currently owned by the City of Dover. A

Preliminary Assessment of site was completed in 1986, a Site Investigation was completed in 1987, and an Extended Site Investigation was completed in 1993. Various low levels of contamination were found in the surface and subsurface soils. Also, leachate seeps were found at the toe of the landfill, and groundwater was found to be contaminated. A Groundwater Management Zone was formed for the site. SIRB does not foresee any issues relating to Frazier's Pit to affect the proposed project. If groundwater is to be used for drinking water, SIRB recommends having the groundwater tested before it is used.

Underground Storage Tanks

There are two inactive LUST site(s) located near the proposed project:

Rapid Distribution Service, Facility # 1-000213, Project # K9107148
Lucky 7, Facility # 1-000366, Project # K9810170

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

Because this project is located within the City of Dover, the Fire Marshal's office has no comments.

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Department of Agriculture Forest Service recognizes the City of Dover as a Tree City USA Community. This national recognition rewards communities whom have invested time, energy and monies into enhancing their urban forest resources. The Forest Service encourages the developer to work closely with the town to achieve their long-term goals to grow their urban forest resources.

In addition, the Delaware Forest Service encourages the developer to work with the City of Dover to develop a forest mitigation plan for this site to replace the large amount of forest resources removed during the development process. The Delaware Forest Service offers its assistance with this matter, please contact our office at (302) 349-5754.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows

for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

If this project lies outside of Dover's service territory as of October 2004, the City must update the information it filed with the Commission.

Delaware State Housing Authority – Contact Karen Horton 739-4263

No comments

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Due to the proposed construction of two hotel buildings, a significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving the City of Dover, to keep them apprised of all development activities.

Routes 1 and 13 are coastal storm evacuation routes and this project will be affected by traffic volume on these routes during a coastal storm event.

Delaware Economic Development Office – Contact: Dorrie Moore 739-4811

This is a project that is in a growth area and lends itself to the surrounding commercial businesses. The Delaware Economic Development Office (DEDO) supports the development of the two hotels.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of

PLUS 2005-02-13

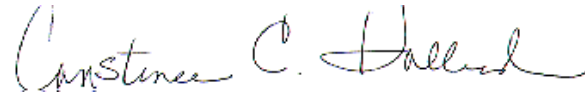
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State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: City of Dover
44 AASHA Hospitality Assoc., LLC